

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH: Hon'ble Shri S.R. Nayak, CJ

Writ Petition No.312 OF 2006

PETITIONER

Akhil Bharat Hindu Mahasabha, Branch
Chhattisgarh through State secretary
Vasudev singh Thakur, S/o M.S.
Thakur aged about 57 years. R/o
Tiranga Chowk, Kushalpur, Raipur
(C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through
Secretary, Public Trust, Religious
Department (Ddharmik Nyas Evam
Dharmasya Vibhag), Raipur
2. The Collector, Raipur (C.G.)
3. The Registrar
Public Trust, Raipur (C.G.)
4. Shri "Dudhadhari Math"
Through the Sarvarakar,
Raipur (C.G.)

Present:

Shri S.C. Verma, learned counsel for the petitioner.

Shri Yashwant Singh, learned Govt. Advocate for the State.

ORAL ORDER

(Passed on 6th February, 2006)

The petitioner is the branch of Akhil Bharat Hindu Mahasabha in Chhattisgarh State. It is stated that it is a registered Society under the provisions of the Societies Registration Act, 1860 and the petitioner is working and fighting for the welfare of the Hindu Community. In this writ petition, it is alleged that Sarvarakar of the 4th respondent-Math, against the interest of the Math, has been carrying on the affairs of the Math in objectionable way and his continuance as Sarvarakar of the 4th respondent-Math would not be conducive in the interest of the Math.

Particularly, it is alleged that the Sarvarakar of the 4th respondent -Math indiscriminately has been alienating and disposing of the Math properties. In the premise of the above allegations, the petitioner has sought for the following reliefs:

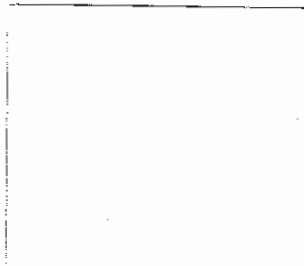
- (i) That this Hon'ble Court may be kind enough to make an enquiry in this whole matter to ascertain the fact whether the sale of land and property of "Dudhadhari Math" was correct and needed.
- (ii) That this Hon'ble Court may be kind enough in calling the entire records of the respondent No. 4 institution and records from the respondents 1,2 and 3 regarding the total lands and properties of respondent No.4 "Dudhadhari Math" to ascertain the fact that how much property was initially in the name of respondent No. 4 and now how much is remain. If these records will be placed before this Hon'ble Court the whole matter will be clear like a crystal.
- (iii) That this Hon'ble Court may kind enough to dissolve the respondent No. 4 Trust and any high power committed may be given charge of this Trust to run the Trust only in accordance with law.
- (iv) That this Hon'ble Court may be kind enough to protect the interest of respondent No. 4 institution.

(2) Heard Mr. S.C. Verma, learned counsel for the petitioner and perused the material papers appended to the petition. It was contended by Shri Verma that having noticed the illegal activities of the Sarvarakar of 4th respondent-Math, particularly, his actions of indiscriminately alienating very valuable Math's properties, the petitioner made several representations to the Registrar Public Trust, the 3rd respondent, as well as to the Collector, Raipur, the 2nd respondent, but, they have not taken any action on those representations. In that view of the matter,

intervention of the Court is necessary to safeguard and protect the interest of age old 4th respondent-Math.

(3) The petitioner at page 13 of the material papers has enclosed a copy of the representation dated 22-05-2004 submitted to the 2nd respondent Collector, Raipur District. It is true that in the said representation, the petitioner has given certain details of alienation of the 4th respondent-Math's property in favour of the 3rd parties. When the Court pointedly asked Mr. Verma to point out legal obligation of the Collector to consider the representation of the petitioner dated 22-05-2004, learned counsel would refer me to Section 26 of the C.G. Public Trust Act, 1951 (for short the "Act") and according to Shri Verma, the representation dated 22-05-2004 should be regarded as an application made by the petitioner under Section 26 of the Act and, therefore, the Collector being the Registrar of the Public Trust is duty-bound to consider the same and take corrective measures.

(4) Having heard learned counsel for the parties for considerable time, I am of the opinion that the petitioner has no *locus-standi* to maintain that application dated 22-05-2004. The petitioner has no *locus-standi* to maintain the application under sub-Section (1) of Section 26 of the Act before the Registrar, because, he cannot be regarded as person interested in the 4th respondent-Math. I have carefully perused the entire averments made in the writ petition. Not a word is said in the writ petition on the basis of which I can possibly form an opinion that the petitioner is an interested person in the 4th respondent-Math. It is not even stated that all or some of the members of the petitioner society are



devotees or disciples of the 4th respondent-Math. It needs to be noticed that in order to qualify to be a 'person interested', the interest to be shown should be a special interest which is different from the common interest of all others. In that view of the matter, representation of the petitioner dated 22-05-2004 should be regarded as an extra-legal in nature and that representation would not oblige the Collector or the Registrar to consider the same as a matter of obligation in terms of the Act and take appropriate corrective measures. That does not mean that the Registrar cannot take action as contemplated under sub-Section (1) of Section 26 of the Act on the basis of the representation made by the petitioner. That is very much within the discretion of the Registrar, but, the petitioner has no legal right to oblige the Registrar to take action against the Sarvarakar of the 4th respondent-Math on the basis of his representation. In that view of the matter, the writ petition is dismissed. No costs.

Sd/-
The Chief Justice